

REMARKS

The Examiner has requested further remarks related to the amendments in the claims filed in the previous 37 CFR 1.312 Amendment. Accordingly, such remarks are provided herewith.

Regarding the amendment to Claim 6, Applicant has added the word “parts” on line 14 to facilitate the readability of this claim. Applicant considers this a grammatical correction. Also, see the description of amendment to Claim 15 immediately following.

Regarding the amendment to Claim 15, this claim has been amended to be consistent with the amendment of Claim 6, wherein the word “parts” is now used in place of the word “portions”. Note that the word “portions” referred to the description at“(a2)” in Claim 6. However, the word “portions” was not used for the description of “(a2)” in Claim 6. Accordingly, the amendment to Claim 15 is believed to provide appropriate clarification and correction.

Regarding the amendment to Claim 16, Applicant has simplified the claim language. Applicant chose to amend Claim 16 rather than cancel it and add a new dependent claim having the content of the currently amended claim. Additionally, it is believed that the amendment does not substantially affect the scope of Claim 16.

Regarding the amendment to Claim 18, this claim previously recited “said particular condition” and “said corresponding set of data”. Neither of these terms has antecedent basis in Claims 95 and 35 upon which Claim 18 was previously dependent. Accordingly, instead of cancelling Claim 18 and adding a new corresponding claim that is dependent upon a claim having content that makes the limitations of Claim 18 meaningful, Applicant amended Claim 18 to be dependent upon independent Claim 100 which recites a “first condition” and a “corresponding set of data”. Accordingly, it is believed that Claim 18 is patentable at least due to its dependence upon patentable Claim 100. However, it is also believed that the limitations of Claim 18 in combination with those of Claim 100 are particularly novel.

Regarding the amendment to Claim 20, line 7 has an extraneous “of” deleted. In lines 13 and 14 the words “one or more” were added to modify the “evaluations” in line 14. It is believed that this amendment does not depart from the novelty of the present

claim. In particular, note that the “first obtaining” step recites the limitation of “obtaining one or ore evaluator related preference data items for *identifying a preference among said evaluations*”. Accordingly, due to the word “among” in the limitation recited above, the scope of present claim is not changed by the addition of the words “one or more”. That is, the scope of the claim is identical with or without the words “one or more” that were added.

Regarding the amendment to Claim 19, this claim is now dependent upon Claim 20 instead of Claim 95. Claim 95 is dependent upon Claim 35. Neither Claim 35 nor 95 recited an “evaluator”, and neither recited a “particular condition”. However, such terms are recited in Claim 20, and the limitations of Claim 19 are believed to apply to Claim 20. Accordingly, instead of cancelling Claim 19 and adding a new dependent claim having the content of amended Claim 19 (which is believed appropriate in an after allowance amendment), Applicant chose to amend Claim 19 so that it is dependent upon Claim 20. It is believed that Claim 19 is patentable at least due its dependence upon patentable Claim 20.

Regarding the amendment to Claim 21, this claim has been amended to be consistent with Claim 20. That is, changing “*first* obtaining said resulting evaluation” to “*second* obtaining said resulting evaluation” in line 5 provides consistency with Claim 20 in that the step of “second obtaining” in Claim 20 obtains the “resulting evaluation”, and the first obtaining step in Claim 20 does not recite obtaining such a “resulting evaluation”. Accordingly, Applicant believes this is a grammatical correction.

Regarding the amendment to Claim 27, the amendment to this claim is discussed in the previously submitted Amendment After Allowance.

Regarding the amendment to Claim 34, this claim was amended in line 9 to change a comma to a semicolon. This is believed to be a grammatical correction. Claim 34 was further amended in lines 13 and 14 to move the phrase “to a second destination” to an earlier location in the “providing step” so that the “providing” step is believed easier to read. Accordingly, it is believed that this relocation is a grammatical correction. It is believed that no claim scope has been changed with this move since the “providing” step as currently amended is the proper interpretation of the previous claim version

having the “to a second destination” not relocated.

Additionally, the deletion of the word “mobile” at the end of Claim 34 is a grammatical correction. Note that the unamended phrase at the end of the claim is “at least one of *the* communication stations mobile”. However, there is no “communication stations mobile” recited in the claim. Instead there are numerous references to “communication stations”, and in particular, the phrase “relative to at least one of the communication station” is recited in lines 19 and 20 regarding the mobile unit **MU₂**. Further, note that condition (ii) starting in line 29 describes a location method for determining a location of the mobile unit **MU_n** using:

“*alternative available location indicative data* obtained from one or more signals communicated **between** the mobile unit **MU_n** and **one of the communication stations**, wherein there is a two-way communication between the mobile unit **MU_n** and **at least one of the communication stations** in order to obtain the alternative location data”.

That is, there is “alternative available location indicative data” obtained from signals between the mobile unit and one of the communication stations (supported on the surface of the earth, see claim preamble), and there is two-way communication between the mobile unit and at least one of the communication stations for obtaining this “alternative available location indicative data” which is shortened to “*alternative location data*” in the remainder of the claim. So, in the last “wherein” clause of the claim:

“wherein the alternative location data provides information indicative of a position of **MU_n** relative to at least one of the communication stations~~-mobile~~” is believed to make sense only with the word “mobile” deleted.

Accordingly, Claim 34 recites, in part, that:

- there is a mobile unit (**MU₁**) that is located by a first location estimator using data obtained from “signals received by the mobile unit **MU₁** from a transmitting station *not supported on the earth’s surface*”, e.g., obtained from GPS satellite signals received at **MU₁**;
- there is a mobile unit (**MU₂**) that is located using “second data” obtained via signals between the mobile unit **MU₂**, and one of the communication

stations (*supported on the surface of the earth*), wherein there is a two-way communication between the mobile unit **MU₂** and at least one of the communication stations in order to provide the information to a second location estimator, the second data providing information indicative of a position of **MU₂** relative to at least one of the communication stations; and

- for locating at least one mobile unit (**MU_n**), a *preference* is given for:
 - (i) determining a location of the mobile unit **MU_n** by, using signals received by the mobile unit **MU_n** from a transmitting station *not supported on the earth's surface* (e.g., as in the locating of **MU₁** above), *over*
 - (ii) locating **MU_n** in a manner corresponding to the locating of the mobile unit **MU₂**; i.e., determining a location of the mobile unit **MU_n** using alternative location indicative data obtained from one or more signals communicated between the mobile unit **MU_n** and one of the communication stations (*supported on the surface of the earth*), wherein there is a two-way communication between the mobile unit **MU_n** and at least one of the communication stations in order to obtain the alternative location data, and wherein the alternative location data provides information indicative of a position of **MU_n** relative to at least one of the communication stations”.

Moreover, it is believed worth noting that the deletion of the word “mobile” at the end of Claim 34 results in a similar limitation to the “wherein” clause Claim 33 starting on line 24 of Claim 33; since the types of signals recited in Claim 33 (b) and (c) *provide information indicative of a position of MU relative to at least one of the communication stations*. The “wherein” clause of Claim 33 follows:

“wherein *a preference is given* to locating the mobile unit **MU** by one of the location estimating methods: (i) that uses data obtained from available wireless

signals received by the mobile unit **MU** from a transmitting station *not supported on the earth's surface, over* (ii) locating the mobile unit **MU** by one of the location estimating methods *that is more dependent upon the corresponding data available for locating the mobile unit MU from (b) through (d) hereinabove*".

Regarding the amendment to Claim 39, a space is inserted to separate the words "using" and "a". This is only a grammatical change.

Regarding the amendment to Claim 42, the term "P" was removed since there was no antecedent basis for "P" in Claim 20 which is the claim upon which Claim 42 is dependent.

Regarding the amendment to Claim 53, the term "TS" was removed since there was no antecedent basis for "TS" in the this claim nor in its parent claim, Claim 29.

Regarding the amendment to Claim 58, the term "MU" was deleted since there is no antecedent basis for this term. However, there is antecedent basis for "the one mobile unit" now recited in this claim. Additionally, the amendment of "the corresponding input of (b)" to "the second corresponding input" is a grammatical clarification providing more precise antecedent basis in the parent claim, Claim 29, wherein it states in line 11: "(b) the second estimator uses *a second corresponding input ...*".

Regarding the amendment to Claim 68, the amendment to this claim (i.e., "LE is determined as a result of" replacing "a step is performed of") does not broaden the scope of the claim, and the patentability of the claim is at least dependent upon the patentability of its parent claims 67 and 32. Applicant chose to amend Claim 68 rather than cancel it, and add a new claim with corresponding content.

Regarding the amendment to Claim 97, the amendment here (i.e., "the second location estimate" replacing "one or more locations") provides proper antecedent basis in Claim 96 upon which Claim 97 is dependent.

Regarding the amendment to Claim 100, the amendment here (i.e., replacing "conditions identifications" with "condition identifications") is a grammatical correction.

Regarding the amendment to Claim 102, the amendment here (i.e., replacing "the mobile units **M₁**" with "the mobile unit **M₁**") is a grammatical correction.

Regarding the amendment to Claim 104, there are "location estimates" recited in the parent claim, Claim 30. Accordingly, to better assure that there is proper antecedent basis for "the location estimate" in line 3 of the present claim, the term "LE" was provided to identify the "location estimate". Additionally, the word "are" was changed to "is" to correct a grammatical error.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. If the Examiner disagrees or has questions regarding any of the amendments or the remarks provided here, it is respectfully requested that the Examiner contact the undersigned. It is believed that no fees are due with this transmittal. However, if further fees are due, it is requested that the undersigned Applicant be contacted by telephone.

Respectfully submitted,

By: /Dennis J. Dupray/

Dennis J. Dupray

Registration No. 46,299

1801 Belvedere St.

Golden, CO 80401

TELEPHONE: 303-863-2975

FAX: 303-863-0223

Date: April 5, 2007